
By: **Senator Collins**
Introduced and read first time: January 25, 2001
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Baltimore County - Public School Employees**

3 FOR the purpose of altering the definition of "public school employee" as it applies to
4 provisions that relate to organizations of employees in Baltimore County;
5 authorizing a public school employer in Baltimore County to designate a certain
6 unit comprised of certain employees; establishing a certain unit of certain
7 employees; providing for the application of this Act; and generally relating to
8 organizations for public school employees in Baltimore County.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 6-401, 6-404, and 6-505
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Education
16 Section 6-501
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 6-401.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) "Employee organization" means an organization that:

25 (1) Includes certificated employees of a public school employer or
26 individuals of equivalent status in Baltimore City; and

1 (2) Has as one of its main purposes the representation of the employees
2 in their relations with that public school employer.

3 (c) (1) "Home and hospital teacher" means a teacher employed by a public
4 school employer to provide instructional services to a public school student who is
5 unable to function effectively in the classroom setting due to the student's medical,
6 physical, or emotional condition.

7 (2) A home and hospital teacher may teach in:

8 (i) A private home;

9 (ii) A hospital;

10 (iii) A therapeutic center;

11 (iv) A school; or

12 (v) Any other appropriate site.

13 (d) (1) "Public school employee" means a certificated professional individual
14 who is employed by a public school employer or an individual of equivalent status in
15 Baltimore City, except for a county superintendent or an individual designated by the
16 public school employer to act in a negotiating capacity as provided in § 6-408(b) of
17 this subtitle.

18 (2) In Montgomery County, "public school employees" include:

19 (i) Certificated and noncertificated substitute teachers employed
20 by the public school employer for at least 7 days before March 1 of the school fiscal
21 year ending June 30, 1978, and each year after; and

22 (ii) Home and hospital teachers employed by the public school
23 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
24 2000, and each year after.

25 (3) In Baltimore County, "public school employee" includes:

26 (I) [a] A secondary school nurse, an elementary school nurse, and
27 a special school nurse; AND

28 (II) PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES,
29 INCLUDING CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AND SUPERVISORY
30 EMPLOYEES AS DEFINED UNDER § 6-501 OF THIS TITLE.

31 (4) In Frederick County, "public school employee" includes a social
32 worker employed by a public school employer.

33 (e) "Public school employer" means a county board of education or the New
34 Baltimore City Board of School Commissioners.

1 6-404.

2 (a) Each public school employer shall designate, as provided in this subtitle,
3 which employee organization, if any, shall be the exclusive representative of all public
4 school employees in a specified unit in the county.

5 (b) (1) Except as provided in paragraph (2) of this subsection, the public
6 school employer shall determine the composition of the unit in negotiation with any
7 employee organization that requests negotiation concerning the composition of the
8 unit.

9 (2) In Baltimore County, the public school employer may designate a
10 separate unit comprised of all registered nurses employed by the county in
11 elementary schools or special schools AND A SEPARATE UNIT COMPRISED OF
12 PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES, INCLUDING CERTIFICATED AND
13 NONCERTIFICATED EMPLOYEES, AND SUPERVISORY EMPLOYEES AS DEFINED
14 UNDER § 6-501 OF THIS TITLE.

15 (c) (1) Except as provided in paragraph (2) of this subsection, there may not
16 be more than two units in a county.

17 (2) In Baltimore County, there may not be more than three units,
18 provided that one unit consists of elementary and special school nurses AND ONE
19 UNIT CONSISTS OF PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES, INCLUDING
20 CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AND SUPERVISORY
21 EMPLOYEES AS DEFINED UNDER § 6-501 OF THIS TITLE.

22 (d) All eligible public school employees shall:

23 (1) Be included in one of these units; and

24 (2) Have the rights granted in this subtitle.

25 6-501.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) "Confidential employee" includes an individual whose employment
28 responsibilities require knowledge of the public school employer's posture in the
29 collective negotiation process, as determined by the public school employer in
30 negotiations with an employee organization that requests negotiation on this issue.

31 (c) "Employee organization" means an organization that:

32 (1) Includes noncertificated employees of a public school employer; and

33 (2) Has as one of its main purposes the representation of the employees
34 in their relations with that public school employer.

1 (d) "Management personnel" includes an individual who is engaged mainly in
2 executive and managerial functions, as determined by the public school employer in
3 negotiation with an employee organization that requests negotiation on this issue.

4 (e) "Noncertificated employee", in Montgomery County, means only a
5 full-time employee.

6 (f) (1) "Public school employee" means a noncertificated individual who is
7 employed for at least 9 months a year on a full-time basis by a public school employer.

8 (2) "Public school employee" includes a noncertificated employee in
9 Baltimore City notwithstanding that the noncertificated employee does not work for
10 at least 9 months a year on a full-time basis.

11 (3) "Public school employee" does not include:

12 (i) Management personnel;

13 (ii) A confidential employee; or

14 (iii) Any individual designated by the public school employer to act
15 in a negotiating capacity as provided in § 6-510(b) of this subtitle.

16 (g) (1) "Public school employer" means the county board in each county
17 except:

18 (i) Somerset;

19 (ii) Wicomico; and

20 (iii) Worcester.

21 (2) "Public school employer" includes the New Baltimore City Board of
22 School Commissioners.

23 (h) "Supervisory employee" includes any individual who responsibly directs
24 the work of other employees, as determined by the public school employer in
25 negotiation with an employee organization that requests negotiation on this issue.

26 6-505.

27 (a) (1) Each public school employer may designate, as provided in this
28 subtitle, which employee organization, if any, shall be the exclusive representative of
29 all public school employees in a specified unit in the county.

30 (2) In Baltimore City, Garrett County, and Frederick County, the public
31 school employer shall designate, as provided in this subtitle, which employee
32 organization, if any, shall be the exclusive representative of all public school
33 employees in a specified unit in the county.

1 (b) The public school employer shall determine the composition of the unit in
2 negotiation with any employee organization that requests negotiation concerning the
3 composition of the unit.

4 (c) (1) [There] EXCEPT AS PROVIDED IN § 6-404(B) AND (C) OF THIS TITLE,
5 THERE may not be more than three units in a county and a unit may not include both
6 supervisory and nonsupervisory employees.

7 (2) If a county has more than three recognized units and, as of July 1,
8 1974, the units have exclusive representation for collective negotiations, these units
9 may continue as negotiating units.

10 (d) (1) All eligible public school employees shall:

11 (i) Be included in one of these units; and

12 (ii) Have the rights granted in this subtitle.

13 (2) Except for an individual who is designated as management personnel
14 or a confidential employee under this subtitle, each public school employee is eligible
15 for membership in one of the negotiating units.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed retroactively and shall be applied and interpreted to affect all actions of the
18 Baltimore County School Board on or after January 1, 1994.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2001.